

§ 408.1003

20 CFR Ch. III (4–1–13 Edition)

§ 408.1003 Which administrative actions are initial determinations?

Initial determinations regarding SVB include, but are not limited to, determinations about—

- (a) Whether you qualify for SVB;
- (b) Whether you are entitled to receive SVB payments on the basis of your residence outside the United States;
- (c) The amount of your SVB payments;
- (d) Suspension or reduction of your SVB payments;
- (e) Termination of your SVB entitlement;
- (f) Whether an overpayment of benefits must be repaid to us;
- (g) Whether payments will be made, on your behalf, to a representative payee, unless you are legally incompetent;
- (h) Who will act as your payee if we determine that representative payment will be made;
- (i) A claim for benefits under § 408.351 based on alleged misinformation; and
- (j) Our calculation of the amount of change in your federally administered State recognition payment amount (*i.e.*, a reduction, suspension, or termination) which results from a mass change as defined in § 408.1001.

[69 FR 25955, May 10, 2004; 69 FR 45586, July 30, 2004]

§ 408.1004 Which administrative actions are not initial determinations?

Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review process provided by this subpart and they are not subject to judicial review. These actions include, but are not limited to, an action about—

- (a) Denial of a request to be made your representative payee;
- (b) Denial of your request to use the expedited appeals process;
- (c) Denial of your request to reopen a determination or a decision;
- (d) Disqualifying or suspending a person from acting as your representative in a proceeding before us;
- (e) Denial of your request to extend the time period for requesting review of a determination or a decision;

(f) Denial of your request to readjudicate your claim and apply an Acquiescence Ruling;

(g) Declining under § 408.351(f) to make a determination on a claim for benefits based on alleged misinformation because one or more of the conditions specified in § 408.351(f) are not met;

(h) Findings on whether we can collect an overpayment by using the Federal income tax refund offset procedure. (See § 408.943).

(i) The determination to reduce, suspend, or terminate your federally administered State recognition payments due to a State-initiated mass change, as defined in § 408.1001, in the levels of such payments, except as provided in § 408.1003(h).

§ 408.1005 Will we mail you a notice of the initial determination?

(a) We will mail a written notice of the initial determination to you at your last known address. Generally, we will not send a notice if your benefits are stopped because of your death, or if the initial determination is a redetermination that your eligibility for benefits and the amount of your benefits have not changed.

(b) The notice that we send will tell you—

- (1) What our initial determination is;
- (2) The reasons for our determination; and

(3) What rights you have to a reconsideration of the determination.

(c) If our initial determination is that we must suspend, reduce your SVB payments or terminate your SVB entitlement, the notice will also tell you that you have a right to a reconsideration before the determination takes effect (see § 408.820).

§ 408.1006 What is the effect of an initial determination?

An initial determination is binding unless you request a reconsideration within the stated time period, or we revise the initial determination.

RECONSIDERATION

§ 408.1007 What is reconsideration?

Reconsideration is the first step in the administrative review process that